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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DAVID LOUIS BEHAR,  
LINDSAY ROBIN HOGUE,  
TARA BERGSTRAND, and  
JOHN ROGER LAGACE  
Defendants.

No. CR 07-70709 HRL

STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE HEARING

Defendants and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing dates in the above-captioned matter, presently scheduled for Tuesday, January 8, 2008, at 9:30 a.m. (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and Thursday, January 10, 2008, at 11:00 a.m. (for Defendant BEHAR), be continued to Thursday, January 24, 2008, at 9:30 a.m. The continuance has been requested in order to allow each defense counsel an opportunity to review discovery and discuss the matter with their client. Furthermore, the government anticipates providing additional discovery and

1 possibly settlement offers.

2 The parties further agree and stipulate that time should be excluded from their respective  
3 currently scheduled preliminary hearing date: January 8, 2008 (for Defendants HOGUE,  
4 BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) through and  
5 including January 24, 2008, for ongoing defense preparation, pursuant to Speedy Trial Act, 18  
6 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that  
7 granting the requested exclusion of time will serve the interest of justice and outweigh the  
8 interest of the public and defendant in a speedy trial.

9  
10 DATED: December 19, 2008

SCOTT N. SCHOOLS  
United States Attorney

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12 /s/  
JEFFREY B. SCHENK  
13 Assistant United States Attorney

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16 /s/  
PETER LEEMING  
17 Attorney for Mr. Behar

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20 /s/  
GEOFFREY BRAUN  
21 Attorney for Ms. Hogue

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24 /s/  
LARA VINNARD  
25 Attorney for Ms. Bergstrand

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\_\_\_\_\_/s/\_\_\_\_\_  
JERRY FONG  
Attorney for Mr. Lagace

**ORDER**

The parties have jointly requested a continuance of the hearing set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR).

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR) be continued to January 24, 2008 at 9:30 a.m. as well as the period of delay from January 8, 2008 (for Defendants HOGUE, BERGSTRAND, AND LAGACE) and January 10, 2008 (for Defendant BEHAR), to and including January 24, 2008, be excluded for purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

DATED: 1/3/08

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE